



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## General Notice

### MUNICIPALITY OF TSUMEB

No. 272

2004

#### REGULATIONS RELATING TO PUBLIC AMENITIES: LOCAL AUTHORITIES ACT, 1992

The Council of the Municipality of Tsumeb, after consultation with the Minister of Regional and Local Government and Housing, under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), has made the regulations set out in the Schedule.

**V. KASIRINGUA**  
**CHAIRPERSON OF THE COUNCIL**  
**BY ORDER OF THE COUNCIL**

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### **Definitions**

1. In these regulations, unless the context otherwise indicates, any word or expression defined in the Act has that meaning, and -

“approval” means the written approval of the Council obtained prior to the event or to the commission of the act concerned;

“authorised officer” means any staff member in the service of the Council authorised by the Council to administer any of these regulations, or, where applicable, a member of the Namibian Police Force as defined in section 1 of the Police Act, 1990 (Act No. 19 of 1990);

“Council” means the Municipal Council of Tsumeb;

“municipal area” means the area under the jurisdiction of the Council;

“notice” means a clear and legible official notice drawn up by the Council in the official language and displayed by order of the Council at an entrance to or at a visible place at or on the premises of a public amenity; and

“public amenity” means -

- (a) any land, garden square, camping site, swimming-bath, public resort, recreational area, nature reserve, zoological, botanical or other garden, park, hiking trail, or open-space established by the Council for public use, and includes any facility or apparatus therein or thereon, but excludes any public road or street; and
- (b) any building, structure, hall, room or office including any part thereof and any facility or apparatus therein or thereon that is the property of, is owned, controlled or leased by the Council and to which the general public has access.

### **Maximum number of visitors**

2. The Council may determine the maximum number of visitors who may enter a public amenity at a given time as set out by means of a notice.

### **Access to and residence at a public amenity**

3. (1) Subject to these regulations, a public amenity is open to the public at such period as set out by means of a notice.

(2) A person may not enter or leave a public amenity by climbing over or through any fence or hedge or over any wall, or in any other manner than through an access gate.

(3) A person may not enter or remain in or at a public amenity during the period that such public amenity is closed to the public.

**Entrance fees**

4. (1) A person entering a public amenity shall pay the entrance fee set out by means of a notice.

(2) The Council may determine different entrance fees in respect of persons of different ages.

**Nuisances**

5. A person may not in or at a public amenity -

- (a) cause a disturbance by playing a musical instrument, shouting, arguing, singing, or use a loudspeaker, sound system, radio reception device, television set, or similar equipment;
- (b) lie on a bench or seating place or use it in such a manner that other users or potential users find it impossible to make use thereof; or
- (c) cause an unpleasant or offensive smell,

or allow any person to perform any of those acts.

**Pollution**

6. A person may not in or at a public amenity -

- (a) throw away, discard, dump, drop or leave any refuse, rubbish, rubble, or any other material, or permit it to be done, except in a refuse receptacle provided by the Council for that purpose;
- (b) pollute or contaminate drinking water in any way, or tamper with or damage any water installations;
- (c) pollute or contaminate the water of any dam, fishpond, river or other expanse of water by throwing soap, oil, rubbish, refuse or any offensive object, material or liquid into the water, or causing or allowing it to fall or flow into the water; or
- (d) wash any animal, clothes or other object in the water of a dam, fishpond, river or other expanse of water.

**Fire**

7. A person may not in or at a public amenity -

- (a) set fire to any object or throw away or leave behind any burning or smoldering object in a place where it may light a fire to another object or where such burning or smoldering causes a smoke nuisance; or
- (b) make a fire in any place other than a fireplace provided by the Council, but, if there is no fireplace provided in or at a public amenity, a fire may be made in a place where no danger exists of such fire setting fire to another object.

**Structures**

8. (1) A person may not, except with the approval of the Council, erect or establish in or on a public amenity any structure or shelter, except a caravan or tent erected for camping purposes on a site specifically set aside therefor by means of a notice.

(2) An application for approval to erect or establish a structure or shelter shall be made to the Council on the form and within the time prescribed by the Council.

### **Liquor and food**

**9.** (1) A person may not bring into a public amenity any alcoholic beverage or any other beverages or any food, except in accordance with the directions set out by means of a notice.

(2) Subject to subregulation (1), a person may not in or at a public amenity -

- (a) cook or prepare food in an unsanitary way; or
- (b) kill or skin any animals, poultry or fish,

except at such places set aside for such purposes and with such further directions set out by means of a notice.

### **Animals, birds and fish**

**10.** (1) A person may not bring any animal, bird or fish onto a public amenity, except with the approval of the Council.

(2) A person may not in or at a public amenity capture, pursue, kill, injure or disturb by any means any wild animal, bird or fish, or damage, destroy or disturb any bird's nest.

(3) Subject to subregulations (1) and (2), a person may not -

- (a) bring a dog into or onto a public amenity, except in accordance with the directions set out by means of a notice;
- (b) subject to paragraph (a), cause or allow the dog under his or her control to attack, chase or disturb any person, animal, bird or fish in or on a public amenity; or
- (c) cause or allow the dog under his or her control to enter any dam, fishpond, river or other expanse of water in or on a public amenity.

(4) Subject to subregulation (3), a person entering a public amenity with his or her dog, shall at all times keep such dog under proper control by means of a leash.

### **Public meetings, trading, printed matter and collection of money**

**11.** (1) A person may not in or at a public amenity -

- (a) organise, present or participate in any orchestral recital or any other public entertainment;
- (b) organise, present or participate in a sermon, lecture or other public meeting or gathering;
- (c) collect money or any other goods for charity or any other purpose from the public;
- (d) display or distribute any pamphlet, placard, painting, book, handbill, or any other printed or written work; or
- (e) trade in any article or material, take orders therefor, offer it for hire or carry on any occupation,

except with the approval of the Council.

(2) Any person who requires the approval of the Council for any action contemplated in subregulation (1) shall apply in writing to the Council within the time and on the form prescribed by the Council.

(3) Approval by the Council contemplated in subregulation (1) may be refused or withdrawn if the Council is of the opinion that it would give rise to public rioting, disturbance of public peace, the committing of an offence or that it would be detrimental to the public amenity concerned.

### **Damaging, destruction and disfigurement**

**12.** A person may not in or at a public amenity -

- (a) take out, gather, disfigure, damage, destroy or tamper with any tree, plant, shrub, flower, fruit or any other object of zoological, geological, archeological, historical or other scientific interest or any other property of the Council;
- (b) use or try to use anything within such amenity for any purpose which is not intended for such thing;
- (c) remove or concern himself or herself with any sand, gravel, stone, sods, or soil.

### **Vehicles**

**13.** (1) A person may not bring into a public amenity any truck, bus, motor vehicle, motorcycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether powered by a person, an animal, natural forces or mechanically, except in accordance with the directions set out by means of a notice.

(2) Different directions and different speed limits may be set out for different public amenities and different vehicles, crafts or aeroplanes.

(3) A person may not wash, polish or repair a vehicle in or at a public amenity, except where an emergency requires the immediate repair of a vehicle.

### **Games**

**14.** (1) A person may not play or conduct a game of any nature in or on a public amenity, except at a place set aside for that purpose in accordance with the directions set out by means of a notice.

(2) A person over the age of 12 years may not use any swing or other playing apparatus in or on a public amenity.

(3) A person shall on request by any authorised officer, vacate any swing or other playing apparatus.

### **Improper or indecent behaviour**

**15.** A person may not in or at a public amenity -

- (a) be under the influence of intoxicating liquor or drugs having a narcotic effect;
- (b) behave himself or herself in an indecent, unseemly, offensive or insulting manner;

- (c) defecate, urinate or undress, except in such building or on the premises intended or indicated by a notice for such purpose or enter or use a toilet facility intended or indicated as such by a symbol for members of the opposite sex; or
- (d) behave himself or herself in any manner which may expose another person to danger.

#### **Powers of officers**

**16.** (1) An authorised officer may at any time request a person who in his or her opinion contravenes any provision of these regulations to -

- (a) leave such public amenity; or
- (b) furnish his or her correct name and address.

(2) A person to whom a request has been made in terms of subregulation (1) shall comply with such request.

#### **Risk**

**17.** A person entering a public amenity does so at his or her own risk and the Council is not liable in respect of any damage, loss or injury incurred by such person.

#### **Miscellaneous**

**18.** (1) A person may not in or at a public amenity -

- (a) shoot with a bow and arrow, catapult, air gun or fire-arm; or
- (b) roll or throw stones or rocks from a mountain or rise.

(2) A person may not in or at a public amenity -

- (a) swim or bath in any dam, fishpond, river or other expanse of water;
- (b) wash any crockery or laundry or hang out clothes; or
- (c) walk, stand, sit or lie on grass,

except in accordance with the directions set out by means of a notice.

#### **Offences and penalties**

**19.** A person who contravenes or fails to comply with any of these regulations commits an offence and is liable to a fine not exceeding N\$ 2 000 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

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